

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:24-cv-00995-DLI-VMS

Government Employees Insurance Co. et al v. Active Medical Care, P.C. et al Date Filed: 02/08/2024
Assigned to: Judge Dora Lizette Irizarry Date Terminated: 12/03/2024
Referred to: Magistrate Judge Vera M. Scanlon Jury Demand: Plaintiff
Cause: 18:1962 Racketeering (RICO) Act Nature of Suit: 470 Racketeer/Corrupt Organization
Jurisdiction: Federal Question

Plaintiff

Government Employees Insurance Co.

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

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Defendant

Ednan Sheikh, M.D.

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Date Filed	#	Docket Text
02/08/2024	I 1	COMPLAINT against Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD filing fee \$ 405, receipt number ANYEDC-17552027 Was the Disclosure Statement on Civil Cover Sheet completed – Yes,, filed by Government Employees Insurance Co., GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co.. (Attachments: # 1 Civil Cover Sheet, # 2 Proposed Summons and Rider, # 3 Exhibit 1 – Representative Sample of Fraudulent Claims Identified to Date – NJ Pain & Spine, PC, # 4 Exhibit 2 – Representative Sample of Fraudulent Claims Identified to Date – Active Medical Care, P.C.) (Gershenoff, Max) (Entered: 02/08/2024)
02/08/2024	I 2	Summons Issued as to Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (SDM) (Entered: 02/08/2024)
02/08/2024	I 3	Clerk's Notice Re: Consent. A United States Magistrate Judge has been assigned to this case and is available to conduct all proceedings. In accordance with Rule 73 of the Federal Rules of Civil Procedure, Local Rule 73.1, the parties are notified that if all parties consent, the assigned Magistrate Judge is available to conduct all proceedings in this action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to this Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. Any party may withhold its consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. The form may also be accessed at the following link: https://img.nyed.uscourts.gov/files/forms/MJConsentForm.pdf (SDM) (Entered: 02/08/2024)
02/08/2024	I 4	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (SDM) (Entered: 02/08/2024)
02/09/2024	I 5	NOTICE of Appearance by Barry I. Levy on behalf of GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co. (aty to be noticed) (Levy, Barry) (Entered: 02/09/2024)
02/09/2024	I 6	NOTICE of Appearance by Steven T. Henesy on behalf of GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co. (aty to be noticed) (Henesy, Steven) (Entered: 02/09/2024)
03/14/2024	I 7	NOTICE of Appearance by Steven J. Harfenist on behalf of Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD (aty to be noticed) (Harfenist, Steven) (Entered: 03/14/2024)
03/14/2024	I 8	SUMMONS Returned Executed by Government Employees Insurance Co., GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co.. Ednan Sheikh, MD served on 2/27/2024, answer due 3/19/2024. (Gershenoff, Max) (Entered: 03/14/2024)
03/14/2024	I 9	SUMMONS Returned Executed by Government Employees Insurance Co., GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co.. NJ Pain & Spine, PC served on 2/27/2024, answer due 3/19/2024. (Gershenoff, Max) (Entered: 03/14/2024)
03/14/2024	I 10	SUMMONS Returned Executed by Government Employees Insurance Co., GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co.. Active Medical Care, P.C. served on 2/27/2024, answer due 3/19/2024. (Gershenoff, Max) (Entered: 03/14/2024)
03/18/2024	I 11	NOTICE of Appearance by Neil S. Torczyner on behalf of Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD (aty to be noticed) (Torczyner, Neil) (Entered: 03/18/2024)
03/18/2024	I 12	Consent MOTION for Extension of Time to File Answer re 1 Complaint,, by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Torczyner, Neil) (Entered: 03/18/2024)

03/22/2024	Ⅰ	ORDER. Defendants' <u>12</u> Motion for an Extension of Time to Answer is granted. On consent, Defendants will answer or otherwise respond to the <u>1</u> Complaint by 4/10/2024. Ordered by Magistrate Judge Vera M. Scanlon on 3/22/2024. (CC) (Entered: 03/22/2024)
03/22/2024	Ⅰ <u>13</u>	SCHEDULING ORDER. An Initial Conference is scheduled for 5/14/2024 at 11:00 AM before Magistrate Judge Vera M. Scanlon via ZoomGov. To gain access to the ZoomGov audio conferencing system, the parties are to dial 1-646-828-7666; enter meeting ID 16121901090 and press the pound key; when asked for a participant ID, press the pound key; and enter passcode 091622 and press the pound key. The parties must complete the attached Joint Proposed Case Management Plan (CMP) and file it on ECF no later than 4/30/2024. Ordered by Magistrate Judge Vera M. Scanlon on 3/22/2024. (CC) (Entered: 03/22/2024)
04/05/2024	Ⅰ <u>14</u>	First MOTION for pre motion conference re <u>1</u> Complaint,, <i>seeking leave to move to transfer venue to the District of New Jersey as the Eastern District of New York is not a proper venue for this action</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Harfenist, Steven) (Entered: 04/05/2024)
04/08/2024	Ⅰ <u>15</u>	RESPONSE in Opposition re <u>14</u> First MOTION for pre motion conference re <u>1</u> Complaint,, <i>seeking leave to move to transfer venue to the District of New Jersey as the Eastern District of New York is not a proper venue for this action</i> filed by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co.. (Gershenoff, Max) (Entered: 04/08/2024)
04/09/2024	Ⅰ	ORDER denying <u>14</u> Motion for Pre Motion Conference --- Defendants' request for a pre motion conference in connection with their proposed motion to transfer venue, which is opposed by Plaintiffs' is denied as unnecessary. Defendants shall file their motion by April 24, 2024; Plaintiffs' response shall be filed by May 8, 2024; and Defendants' reply shall be filed by May 15, 2024. The parties are reminded to forward to chambers one hard single sided copy of their submissions immediately upon filing. SO ORDERED by Judge Dora Lizette Irizarry on 4/9/2024. (Irizarry, Dora) (Entered: 04/09/2024)
04/12/2024	Ⅰ <u>16</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, <i>extending time until the filing of the Defendants' Motion on or before April 24, 2024</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Harfenist, Steven) (Entered: 04/12/2024)
04/15/2024	Ⅰ	ORDER. Defendants' <u>16</u> Motion for an Extension of Time to Answer is granted. On consent, Defendants must answer or otherwise respond to the <u>1</u> Complaint by 4/24/2024. Ordered by Magistrate Judge Vera M. Scanlon on 4/15/2024. (CC) (Entered: 04/15/2024)
04/23/2024	Ⅰ <u>17</u>	MOTION to Dismiss <i>or in the alternative, transfer to the District of New Jersey</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Attachments: # <u>1</u> Declaration of Ednan Sheikh, MD, # <u>2</u> Declaration of Steven J. Harfenist, # <u>3</u> Exhibit 1– Complaint, # <u>4</u> Exhibit 2– Catherine Clark Affidavit, # <u>5</u> Memorandum in Support) (Harfenist, Steven) (Entered: 04/23/2024)
04/30/2024	Ⅰ <u>18</u>	CASE MANAGEMENT STATEMENT <i>Joint Proposed Civil Case Management Plan</i> (Gershenoff, Max) (Entered: 04/30/2024)
05/07/2024	Ⅰ <u>19</u>	MEMORANDUM in Opposition re <u>17</u> MOTION to Dismiss <i>or in the alternative, transfer to the District of New Jersey</i> filed by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co.. (Attachments: # <u>1</u> Declaration of Kathleen Asmus) (Gershenoff, Max) (Entered: 05/07/2024)
05/14/2024	Ⅰ	Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon: Initial Conference Hearing held on 5/14/2024. Max Gershenoff appeared on behalf of Plaintiffs. Steven Harfenist appeared on behalf of Defendants. See separate docket entry for Order issuing from this proceeding. (FTR Log #11:10–11:17.) (CC) (Entered: 05/14/2024)

05/14/2024	¶ I	<p>ORDER. As discussed during the 5/14/2024 Initial Conference, the parties' discovery schedule is adopted as follows: the parties will serve Rule 26(a)(1) initial disclosures by 5/17/2024. The parties will serve initial document requests and interrogatories on or before 6/13/2024. Any joinder and/or amendments of the pleadings must be made by 9/16/2024. The parties will complete fact discovery by 12/14/2024. If the parties perform expert discovery, they will serve initial disclosures by 1/13/2025; initial expert reports by 2/12/2025; and rebuttal expert reports on or before 4/18/2025. Expert discovery, including expert depositions, will be completed by 5/14/2025, and the parties will file a joint letter certifying the close of all discovery by this same date. By 6/13/2025, any party commencing dispositive motion practice must do so in accordance with the Individual Rules of the District Judge. If the parties do not commence motion practice, the parties will file a Joint Proposed Pretrial Order by 7/18/2025.</p> <p>By 11/18/2024, the parties will file a joint status letter, no more than three pages, informing the Court of the progress of discovery. Upon receipt of the status letter, the Court will determine whether a status conference is needed. Ordered by Magistrate Judge Vera M. Scanlon on 5/14/2024. (CC) (Entered: 05/14/2024)</p>
05/15/2024	¶ I 20	Letter MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION to Dismiss <i>or in the alternative, transfer to the District of New Jersey</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Harfenist, Steven) (Entered: 05/15/2024)
05/17/2024	¶ I 21	Letter <i>regarding removal of attorney</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD (Harfenist, Steven) (Entered: 05/17/2024)
05/17/2024	¶ I 22	NOTICE of Appearance by Jake Lader on behalf of Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD (aty to be noticed) (Lader, Jake) (Entered: 05/17/2024)
05/20/2024	¶ I	ORDER. Defendants' <u>20</u> Motion for Extension of Time to File their Reply is granted. On consent, Defendants must file they Reply in further support of their <u>17</u> Motion to Dismiss by 5/22/2024. The parties are reminded that, under Magistrate Judge Vera M. Scanlon's Individual Rules, all requests for extensions of time must be filed as motions on ECF no later than two (2) business days in advance of the deadline . Ordered by Magistrate Judge Vera M. Scanlon on 5/20/2024. (CC) (Entered: 05/20/2024)
05/22/2024	¶ I 23	REPLY in Support re <u>17</u> MOTION to Dismiss <i>or in the alternative, transfer to the District of New Jersey</i> filed by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Harfenist, Steven) (Entered: 05/22/2024)
05/28/2024	¶ I 24	STRICKEN Letter <i>requesting the Court to consider supplemental declaration.</i> by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co. (Attachments: # <u>1</u> Supplement "Supplemental Declaration of Kathleen Asmus) (Gershenoff, Max). Entry modified 12/3/24 to indicate it is stricken pursuant to court's electronic order on 11/14/2024. (Entered: 05/28/2024)
05/29/2024	¶ I 25	Letter MOTION to Strike <u>24</u> Letter, <i>and Sur-Reply Declaration of Kathleen Asmus</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Harfenist, Steven). (Entered: 05/29/2024)
06/21/2024	¶ I 26	Letter MOTION to Quash <i>Plaintiffs' Subpoena to TD Bank</i> by Active Medical Care, P.C., NJ Pain & Spine, PC, Ednan Sheikh, MD. (Attachments: # <u>1</u> Exhibit Subpoena to TD Bank) (Harfenist, Steven) (Entered: 06/21/2024)
06/24/2024	¶ I 27	RESPONSE in Opposition re <u>26</u> Letter MOTION to Quash <i>Plaintiffs' Subpoena to TD Bank</i> filed by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co.. (Attachments: # <u>1</u> Exhibit A– Proposed Confidentiality Order) (Gershenoff, Max) (Entered: 06/24/2024)

07/11/2024	Ⅰ	Joint MOTION for Protective Order <i>Joint Motion for Entry of Proposed Confidentiality Order Protective Order</i> by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co.. (Attachments: # <u>1</u> Proposed Order Proposed Protective Order) (Henesy, Steven) (Entered: 07/11/2024)
08/19/2024	Ⅰ	ORDER. Active Medical Care, P.C. and NJ Pain & Spine, PC must file disclosure statements pursuant to Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.1.1 by 8/26/2024 . Ordered by Magistrate Judge Vera M. Scanlon on 8/19/2024. (SH) (Entered: 08/19/2024)
08/26/2024	Ⅰ	Corporate Disclosure Statement by Active Medical Care, P.C., NJ Pain & Spine, PC (Harfenist, Steven) (Entered: 08/26/2024)
08/30/2024	Ⅰ	NOTICE of Appearance by Peter James Henninger on behalf of GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co. (aty to be noticed) (Henninger, Peter) (Entered: 08/30/2024)
09/27/2024	Ⅰ	<p>STATUS REPORT ORDER. The Court has reviewed the parties' <u>28</u> Joint Motion for Protective Order. By 10/4/2024, the parties must file a revised proposed Protective Order that includes the following modifications:</p> <ul style="list-style-type: none"> – Delete the second sentence in Paragraph (f) and replace with: "All issues related to the use of confidential information at trial shall be decided by the trial judge.;" and – Delete Paragraph (j) in its entirety. <p>Ordered by Magistrate Judge Vera M. Scanlon on 9/27/2024. (CC) (Entered: 09/27/2024)</p>
10/01/2024	Ⅰ	MOTION for Protective Order <i>"Updated Proposed Confidentiality Order"</i> by GEICO Casualty Co., GEICO General Insurance Company, GEICO Indemnity Co., Government Employees Insurance Co.. (Henninger, Peter) (Entered: 10/01/2024)
10/23/2024	Ⅰ	ORDER. The Protective Order at ECF No. <u>31</u> is so-ordered. The Court finds the Motion for Protective Order at ECF No. <u>28</u> moot. Ordered by Magistrate Judge Vera M. Scanlon on 10/23/2024. (SKJ) (Entered: 10/23/2024)
11/13/2024	Ⅰ	Consent MOTION for Extension of Time to Complete Discovery <i>"Consent motion requesting a three-month extension to complete discovery"</i> by Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company, GEICO Casualty Co.. (Attachments: # <u>1</u> Exhibit 1-Revised Proposed Scheduling Order) (Henninger, Peter) (Entered: 11/13/2024)
11/14/2024	Ⅰ	<p>ORDER granting <u>25</u> Motion to Strike ; granting in part and denying in part <u>17</u> Motion to Dismiss and GRANTING MOTION TO TRANSFER CASE TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY -- Plaintiff's sur-reply is stricken as inappropriate and, in any event, not necessary for the Court's decision on Defendant's motion either to transfer venue to the United States District Court for the Eastern District of New York or to dismiss the complaint. For the reasons set forth in the ATTACHED WRITTEN MEMORANDUM AND ORDER, Defendant's motion to dismiss the complaint is denied. However, its motion to transfer venue to the United States District Court for the District of New Jersey is granted. In addition, Plaintiffs' request for leave to amend the complaint is denied.</p> <p>Accordingly, it is hereby ORDERED that the Clerk of Court transfer this case to the United States District Court for the District of New Jersey and to close this case. To the extent that there are any outstanding motions concerning discovery, those are referred to the Transferee Court. <i>See</i>, Dkt. Entry Nos. 26 and 32. SO ORDERED by Judge Dora Lizette Irizarry on 11/14/2024. (Irizarry, Dora) (Entered: 11/14/2024)</p>
12/03/2024	Ⅰ	

Case transferred to the District of New Jersey pursuant to electronic order dated 11/14/2024. Entire court file transferred electronically via PACER/CM-ECF. **ALL FILINGS ARE TO BE MADE IN THE TRANSFER COURT. DO NOT DOCKET TO THIS CASE.** (MLR) (Entered: 12/03/2024)